

MISSOURI BOARD OF PHARMACY

2006 ANNUAL REPORT
July 1, 2005 through June 30, 2006



**MATT BLUNT, GOVERNOR
STATE OF MISSOURI**

**GREGORY A. STEINHOFF, DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**ALISON CRAIGHEAD, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION**

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**DEPARTMENT OF ECONOMIC DEVELOPMENT
DIVISION OF PROFESSIONAL REGISTRATION
BOARD OF PHARMACY MEMBERS AND STAFF**

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BOARD MEMBERS

Douglas R. Lang, R. Ph., President
Tim Koch, R. Ph., Vice President
Pamela L. Marshall, R.Ph., Member
Gary F. Sobocinski, R. Ph. Member
Elaina M. Wolzak, R. Ph., Member
Melissa A. Graham, R. Ph., Member
Anita K. Parran, Public Member

BOARD INSPECTORS

Thomas Glenski, R. Ph., Chief Inspector
Michael Kidd, R. Ph., Inspector
Robert "Bud" Alexander, R. Ph., Inspector
Frank VanFleet, R.Ph., Inspector
Barbara A. Wood, R. Ph., Inspector
Sidney "Sid" Werges, R. Ph., Inspector
John Heavin, R.Ph., Inspector
One vacant inspector position

EXECUTIVE DIRECTOR

Kevin E. Kinkade, R.Ph.

OFFICE STAFF

Tammy Siebert
Regina Divine
Don Walker
Laura Payton
Lea Tuttle

Executive Assistant
Pharmacist Coordinator
Compliance Coordinator
Pharmacy Technician Coordinator
Pharmacy and Drug Distributor Coordinator

DIVISION OF PROFESSIONAL REGISTRATION

Alison Craighead - Division Director

ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY

MISSION

The Board's mission is to promote, preserve and protect the public health, safety and welfare by assuring the provision of quality pharmaceutical care to the citizens of Missouri, through the regulation of the practice of pharmacy.

ORGANIZATION

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Economic Development. The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year. The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapter 610 and 620.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of Pharmacy office.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

AUTHORITY AND FUNCTION

Sections 338.035, 338.140, 338.280 and 338.350 RSMo 2000 provide the Board authority to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo. The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Accrediting of pharmacy colleges;
3. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
4. Registering and renewing pharmacy technicians annually.
5. Investigation of complaints involving any licensee or registrant received including public complaints, information from other state and/or federal agencies, or violations discovered during routine inspections of pharmacy and drug distributor operations;
6. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
7. Placing on conditional registration and maintaining the Technician Employment Disqualification List for pharmacy technicians found to be in violation of Chapter 338, RSMo;
8. Inspection of pharmacies and drug distributors; and
9. Approval of preceptors and intern training pharmacies;

Several publications are available through the Board of Pharmacy, including the Annual Report and the Board of Pharmacy quarterly Newsletter.

**KEVIN E. KINKADE, R.PH
EXECUTIVE DIRECTOR**

BOARD STRATEGIC PLAN

At an annual Retreat in March, the Board identifies both current and expected pharmacy issues, reviews statutes and regulations, and develops a strategic plan for the next year. They also review board office activities, review statistics and identify areas which need improvement or change. Due to Kevin Kinkade's announcement of his retirement at the retreat meeting, the Board primarily focused the discussions of the 2006 retreat meeting on the process for identifying a new executive director. Issues identified and added to the Strategic Plan for 2006 were:

- Executive Director Vacancy
 - a. Announce to Board staff of retirement of Executive Director.
 - b. Review and authenticate job knowledge and skills of Executive Director position.
 - c. Review and authenticate delegation of authority to Executive Director, develop plan of assignment to designated Board office staff, inspector staff, and Board members of delegation of authority in absence of Executive Director.
 - d. Hold meeting with division and department leadership to discuss recruitment and retention of Executive Director.
 - e. Work with division and department to address compensation of Executive Director.
 - f. Review, develop and design Job Opportunity posting for Executive Director position.
 - f. Work with division in the development and implementation of advertising strategy to recruit for Executive Director position.
 - g. Work with division in the scheduling of potential applicants for interviewing for vacant Executive Director position.
 - h. Work with division in the final selection and placement of new Executive Director.
- Rule Amendment - 4 CSR 220-2.150 Mandatory Reporting Rule – Amend language to require notification to take place within 10 days of event.
- Program Development
 - a. Work with colleges of pharmacy to afford opportunity to undergraduate students the ability to attend and observe Board of Pharmacy meetings.
 - b. PSAM – Explore number of states offering approved continuing education.

\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2006 was as follows:

Personal Service	\$ 852,023
Expense and Equipment	\$ 593,938
Criminal History Fund	\$ 200,000 E
Transfers*	\$ 495,981

*Transfers include:

- Rent
- Professional Registration
- Optical Imaging
- DED/MIS
- Hancock Refunds
- Licensing System
- Attorney General
- Administrative Hearing Commission
- Office of Administration Allocated Expenses

BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2006, the Board met in regular session a total of 15 days, and held 6 conference call meetings.

INSPECTION INFORMATION

During the fiscal year ending June 30, 2006, the board inspectors conducted a total of 1,278 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

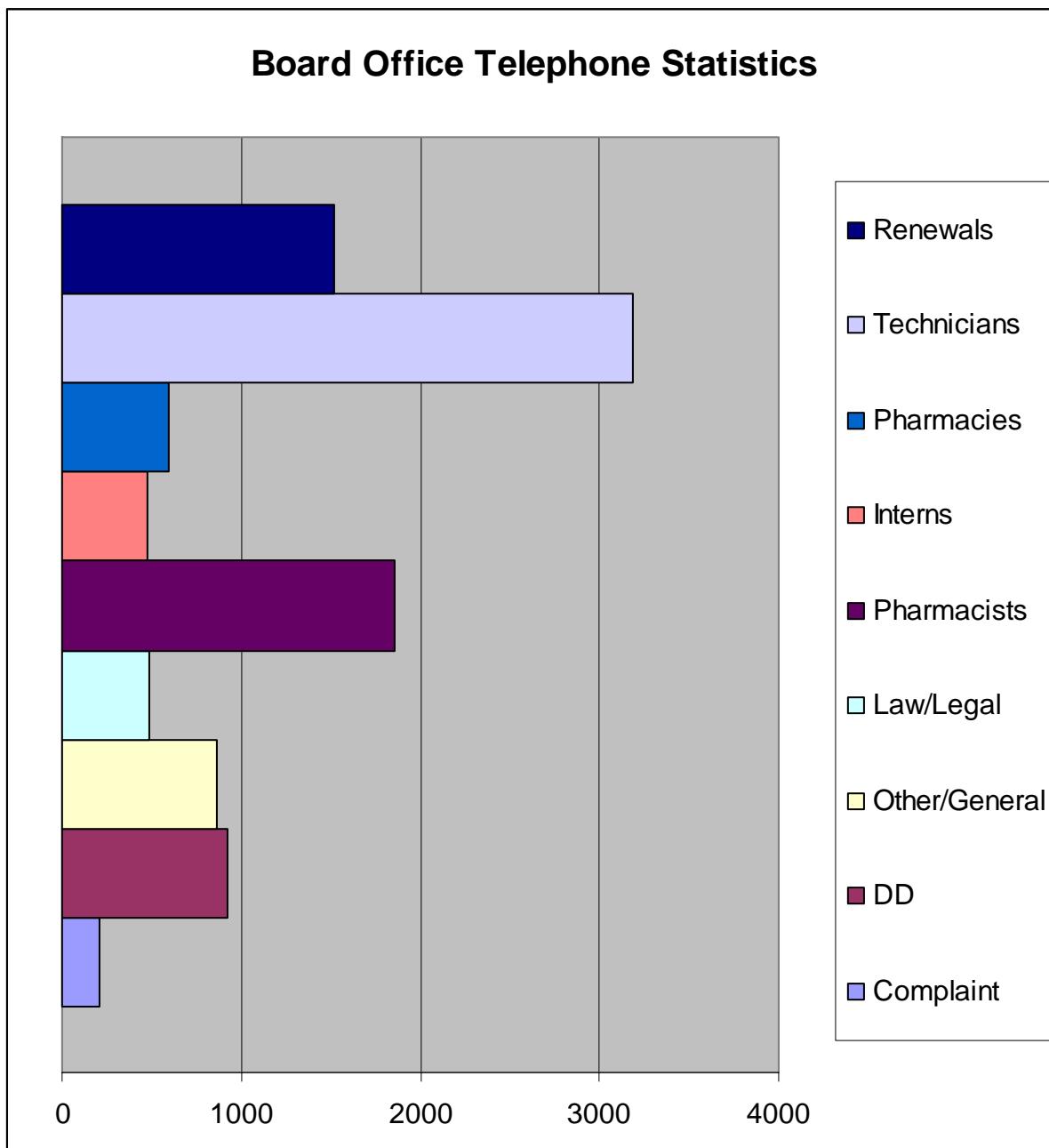
GOLD CERTIFICATES ISSUED

The following individuals received Gold Certificates during FY 2006, which are signed by the Governor of the State of Missouri, as well as by the Board Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri pharmacist.

Baker, Fayette S	Webb City	MO
Bell, Gilbert D	Pleasant Hill	MO
Devine, Jack D	Metamora	IL
Dove, David L	St. Clair	MO
Dryden, Jack	Belton	MO
Frederich, James W	Kansas City	MO
George, Milton A	Cape Girardeau	MO
Groh, Patricia L	Smithville	MO
Johnson, Wallace W	Kansas City	MO
Letassy, Bernard R	Poplar Bluff	MO
Little, Robert L	Arnold	MO
McCalpin, James F	Brentwood	MO
Meyer, Earl S	Glenview	IL
Oslica, Steve S	Chesterfield	MO
Palans, Sanford M	Chesterfield	MO
Rosen, Edward	Kansas City	MO
Silberg, Richard	Leawood	KS
Stogsdill, Donald G	Henderson	NV
Twitchell, Gerald	St. Louis	MO
Unnerstall, Kenneth J	Cape Girardeau	MO
Wolf, Robert L	Raymore	MO

OTHER BOARD INFORMATION

During the calendar year 2006 Board of Pharmacy office staff received and responded to 10,112 incoming telephone calls, covering a variety of subjects. The major topics are indicated in the chart shown above.



COMPOUNDED DRUG TESTING REPORT

In 2003 the Board initiated a program to test drug preparations compounded by pharmacies. All preparations are tested for potency and, if applicable, sterility and endotoxin. The tables listed below are for the fiscal year ending June 30, 2006.

Dosage Form	Tests Performed
Capsule	63
I.V. solution	11
Inhalation solution	4
Injectable solution	9
Oral solution/suspension	161
Suppository	9
Tablet	1
Topical cream/ointment/liquid	3
TPN solution	1
Transdermal	12

Test Results	Tests Performed	Percentag e
Satisfactory	205	74.8%
Unsatisfactor y	69	25.2%
Total	274	100%



COMPOUNDED DRUG TESTING REPORT (cont.)

All unsatisfactory results were related to potency failures. An acceptable potency range is considered +/- 10% of the expected potency, unless a U.S.P. monograph states a different range for a specific preparation. Failing potency results ranged from 0.0% to 259.0%. Pharmacies are notified of unsatisfactory results and asked to complete a quality assurance review of their compounding practices and provide a corrective action plan.

Drugs with unsatisfactory results
Alprostadil/Phentolamine/Papaverine
Amlodipine
Azathioprine
Baclofen
Bi-Est/Pregnenolone/Progesterone
Bi-Est/Progesterone
Bi-Est/Progesterone/Testosterone
Bi-Est/Progesterone/Testosterone/DHEA
Budesonide
Captopril
Clindamycin/Hydrocortisone
Clonazepam
Clonidine
Enalapril
Estradiol/Estriol
Estradiol/Estrone/Estriol
Hypertonic Saline
Ibuprofen
Lansoprazole
Liothyronine
Lorazepam/Diphenhydramine/Haloperidol
Magic Mouthwash
Methimazole
Metronidazole
Omeprazole
Phenytoin
Progesterone/Melatonin/Hydroxytryptophan
Prolox
Promethazine
Rifampin
Spironolactone
Spironolactone/Hydrochlorothiazide
Testosterone
Tri-Est/DHEA
Tri-Est/Progesterone/Testosterone
Tri-Est/Progesterone/Testosterone/DHEA
Vancomycin

**DISCIPLINE INFORMATION
COMPLAINTS FILED**

**STATISTICS BELOW REFLECT TOTAL COMPLAINTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2006**

Total Number of Complaints Received by the Board.....342

Breakdown of case violations reviewed by the Board	
Alcohol and Alcohol-Impaired Behavior	3
Adulterated Drugs	1
Compounding	6
Confidentiality	5
Counseling	2
Disciplinary Action in Another State	3
Discipline Revisions	3
Dishonesty	1
Dispensing Errors	35
Drug Distribution Violations	7
Drugs and Drugs-Impaired Behavior	13
DWI	1
Ethical	13
Failure to Respond To Board	1
False/Misleading Advertising or Marketing	1
Falsified Application	1
Felony	1
Fraud-Unspecified	6
Fraudulent Prescriptions	1
Improper Dispensing	31
Incompetence	9
Insurance Fraud-Medicaid, Medicare, or Other	2
Licensure Applicant	36
Loss of Drugs	18
Mandatory Reporting Violation	1
Misconduct	1
No Jurisdiction	13
Pharmacy Permit Violations (includes security issues)	35
Practicing without a License	34
Previous Disciplinary Action	1
Recordkeeping	9
Sales of Drugs to/from unlicensed facility	1
Substitution	5
Theft of Drugs	22
Theft of Drugs – Sale to Others	1
Theft of Drugs – Self-Administered	1
Theft of Money	2
Unauthorized Dispensing	6
Unauthorized Refills	3
Unprofessional Conduct	1
Violation of Disciplinary Order	6

SOURCE OF COMPLAINTS

Complaints Received From Public	138
Complaints Received from Other Agencies	27
Complaints Received from Board or Inspectors	141
Complaints Received from Other State Boards	0
Complaints Regarding Licensing Issues	36

DISPOSITION

Cases Referred to Legal Counsel	68
Cease and Desist Letters Sent	14
Disposition Complete – Other	22
Individuals Requested to Meet with the Board	54
Investigations Requested/Not Complete	119
Letters of Concern Sent	29
Letters of Warning – Serious Violations Sent	38
License Approved	4
License Denied Letters	6
Miscellaneous Non-Administrative Board Letters Sent	3
No Action/Insufficient Evidence	57
Referred to Other Board/Agency	2
Technician Disqualification Letters Sent	27
Technician Conditional Employment Letters Sent	20

NOTE

Disposition numbers will not equal the number of complaints received and processed since some cases resulted in dual action; i.e., the pharmacist met with the Board and then received an administrative letter, or was referred to legal counsel for filing, etc.

DISCIPLINE

ACTIONS

Complaints Filed with Administrative Hearing Commission	17
Disciplinary Hearings Held	8
Felony Hearings Held	2
Violation of Discipline Hearings Held	10
Settlement Agreements Entered	23
Restricted Licenses Issued Pursuant to Section 620.149	5

DISCIPLINE RESULTS

Pharmacy Permits Censured	1
Intern License Denials	1
Pharmacist License Denials	2
Pharmacy Permit Denials	2
Drug Distributor License Denials	2
Pharmacist Licenses Revoked	4
Pharmacy Permits Revoked	1
Drug Distributor License Suspended Followed by Probation	1
Intern Licenses Suspended Followed by Probation	1
Pharmacist Licenses Suspended Followed by Probation	7
Drug Distributor Licenses on Probation	1
Pharmacist Licenses on Probation	16
Pharmacy Permits on Probation	11
Restricted Intern Licenses Issued Pursuant to Section 620.149	1
Restricted Pharmacist Licenses Issued Pursuant to Section 620.149	2
Restricted Pharmacy Permits Issued Pursuant to Section 620.149	1
Restricted Drug Distributor Licenses Issued Pursuant to Section 620.149	1
Pharmacist Licenses Voluntary Surrender	3
Pharmacy Permits Voluntary Surrender	1

NOTE

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by Board, referred to legal counsel, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

CENSUS OF LICENSED PHARMACISTS AS OF JUNE 30, 2006

TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	7,632
Active license	7,391
Male	3,991
Female	3,400
Inactive license	241
Male	138
Female	103

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	4,713
Male	2,606
Female	2,107
Inactive License – Not Practicing Pharmacy	62
Male	38
Female	24

AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE PHARMACISTS (AS OF JUNE 30, 2006)

Under the age of 30	825
Ages 30-39	1818
Ages 40-49	1872
Ages 50-59	1904
Ages 60-69	809
Ages 70-79	333
Ages 80-89	68
Ages 90+	3



CENSUS OF LICENSED PHARMACIES AS OF June 30, 2006

Total Licensed Pharmacies as of June 30, 2006	1,795
Instate Pharmacies.....	1,402
Non-Resident Pharmacies.....	393



BREAKDOWN OF INSTATE PHARMACIES

Class A-Retail Pharmacies	483
Class B - Hospital Pharmacies.....	105
Class C - LTC Pharmacies.....	10
Class D – Non-Sterile Compounding	0
Class E – Radiopharmaceutical.....	11
Class F – Renal Dialysis Pharmacies	1
Class G – Medical Gas Pharmacies.....	0
Class H – Sterile Products	3
Class I – Consultant Pharmacy.....	2
Class J – Shared Services Pharmacy	2
Pharmacies With Multiple Classes	785

**CENSUS OF
DRUG DISTRIBUTORS/MANUFACTURERS
LICENSED AS OF June 30, 2006**

Total Drug Distributors Licensed with a Permanent License	1,111
Total Drug Distributors Licensed with a Temporary License	13
Total Out-of-State Manufacturers Registered.....	90



NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of one (1) year or until the application has been completely processed by this office, at which time, a permanent license is issued or the application is denied by the Board.

All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales of legend products.

CENSUS OF OTHER LICENSEES AS OF JUNE 30, 2006

Total Licensed Interns	1,184
Total Registered Pharmacy Technicians	13,548

MISSOURI BOARD OF PHARMACY
INSPECTORS AND COUNTIES ASSIGNED

#1 VanFleet	#2 Heavin	#3 Glenski	#4 Kidd	#5 Wood	#6 Alexander	#7 Werges
Barton	Barry	Andrew	Butler	Bollinger	Adair	Audrain
Bates	Christian	Atchison	Carter	Cape Girardeau	Clark	Benton
Cass	Dade	Buchanan	Iron	Dunklin	Knox	Boone
Cedar	Dallas	Caldwell	Jefferson	Franklin	Lewis	Callaway
Henry	Douglas	Carroll	Madison	Mississippi	Lincoln	Camden
Jackson	Greene	Clay	Reynolds	New Madrid	Marion	Chariton
Johnson	Howell	Clinton	Ripley	Pemiscot	Monroe	Cole
St. Clair	Jasper	Davies	Shannon	Perry	Montgomery	Cooper
Vernon	Lawrence	Dekalb	St. Francois	Scott	Pike	Crawford
	McDonald	Gentry	STL City	St. Charles	Ralls	Dent
	Newton	Grundy	STL County	Ste. Genevieve	Schuylerville	Gasconade
	Oregon	Harrison	Washington	STL City	Scotland	Hickory
	Ozark	Holt	Wayne	STL County	Shelby	Howard
	Polk	Lafayette		Stoddard	STL City	Laclede
	Stone	Linn			STL County	Macon
	Taney	Livingston			Warren	Maries
	Texas	Mercer				Miller
	Webster	Nodaway				Moniteau
	Wright	Platte				Morgan
		Putnam				Osage
		Ray				Pettis
		Sullivan				Phelps
		Worth	Pharmacies in St. Louis City & County South of Hwy. 40	Drug Distributors in St. Louis City & County South of Hwy. 40	Pharmacies & Drug Distributors in St. Louis City & County North of Hwy. 40	Pulaski
						Randolph
						Saline